UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,502	05/31/2001	Johann Pramberger	DE919990100US 1	9777

7590 08/11/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/871,502	PRAMBERGER, JOHANN
	Examiner	Art Unit
	Qamrun Nahar	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5)☐ Notice of Informal Patent Application (PTO-152)
    Paper No(s)/Mail Date _____ .   6)☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the amendment filed on 4/15/05.

2.   The objections to the drawings regarding "XSCML Processor", "Project Meta

Data" and reference numbers 26, 53, 56-58, and 60 are withdrawn in view of applicant's

remarks/arguments.

3.   The objection to the abstract is withdrawn in view of applicant's amendment.

4.   The objections to the disclosure are withdrawn in view of applicant's amendment

and remarks/arguments.

5.   The objections to the claims are withdrawn in view of applicant's amendment.

6.   The rejection under 35 U.S.C. 112, second paragraph, to claims 1-35 is withdrawn

in view of applicant's amendment and remarks/arguments.

7.   Claims 1-2, 4, 16-18, 20 and 33-35 have been amended.

8.   Claim 36 has been added.

9.   Claims 1-36 are pending.

10.   The drawings stand finally objected to.

11.   Claims 1-2, 5-8, 17-18, 21-24 and 33-36 stand finally rejected under 35

U.S.C. 102(e) as being anticipated by Bowman-Amuah (U.S. 6,256,773).

12.   Claims 3-4, 9-16, 19-20, and 25-32 stand finally rejected under 35 U.S.C. 103(a)

as being unpatentable over Bowman-Amuah (U.S. 6,256,773) in view of Goiffon (U.S.

6,226,792).

Response to Amendment

Drawings

13.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because the label "Replacement Sheet" is missing in the top margin.

Furthermore, the Office has eliminated the practice of proposed changes. Therefore,

resubmission of the replacement sheet (1) without any annotation on the drawing and (2)

with the label "Replacement Sheet" in the top margin. Applicant is advised to employ the

services of a competent patent draftsperson outside the Office, as the U.S. Patent and

Trademark Office no longer prepares new drawings. The corrected drawings are required

in reply to the Office action to avoid abandonment of the application. The requirement

for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the
desired changes and which comply with 37 CFR 1.84. An explanation of the changes
made must be presented either in the drawing amendments section, or remarks, section of
the amendment paper. Each drawing sheet submitted after the filing date of an
application must be **labeled in the top margin as either "Replacement Sheet" or "New
Sheet"** pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures
appearing on the immediate prior version of the sheet, even if only one figure is being
amended. The figure or figure number of the amended drawing(s) must not be labeled as
"amended." If the changes to the drawing figure(s) are not accepted by the examiner,
applicant will be notified of any required corrective action in the next Office action. No
further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name,
and application number, or docket number (if any) if an application number has not been
assigned to the application. If this information is provided, it must be placed on the front
of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 102

14.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15.   Claims 1-2, 5-8, 17-18, 21-24 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (U.S. 6,256,773).

Per Claim 1 (Amended):

Bowman discloses utilizing a common software configuration markup language (col. 8, lines 10-14, "utilizes markup language") in a computer system including at least one server which is connected to a plurality of client computers, the server having a memory (Fig. 1, col. 3, lines 23-43, "system", "network", "RAM") for storing product

elements which may be linked together to form at least one version of a software package (col. 53, lines 59-64, "objects are stored"- must be stored in system in memory - wherein objects are consistent with software components or product elements, as suggested in col. 5 lines 32- 37 "software... components, ... available to the developer as objects"-), and further for storing processes usable by the clients to at least one of maintain the product elements and develop new product elements (col. 49, lines 49-51, "store... process"), and tools usable by the clients to at least one define, maintain and update relations between product elements (col. 2, lines 28-43, "tools for managing... versions"; col. 26, lines 25-37 "processes associated with version control", "applies to software components");

wherein the common software configuration markup language is useable to define a project, perform a memory access to at lest one of product elements and packages, map one or more of the processes and tools to one or more library systems, and define relations between the product elements (col. 25 lines 39-60, "... HTML scripts, and Java applets."), and further wherein a framework associated with the common software configuration markup language is system-independent (See col. 42, line 51 to col. 43, line 37, Fig. 10 "Development Tools Framework"; -cols. 8, line 7-30, "development of frameworks", "utilizes HyperText Markup Language (HTML)", "one platform to another"; HTML is interpreted as the "common software configuration markup language".).

Per Claim 2 (Amended):

Rejection of claim 1 is incorporated and further, Bowman discloses storing the product elements, processes and tools in the memory of the at least one server and

assigning the product elements, processes and tools in storage to the software

configuration framework (col. 49, lines 49-51, "A repository can store... process,

development objects..." -wherein the repository resides in the "Integrated Development

Environment Architecture... framework... processes, and tools." col. 9 lines 31-40-

wherein the framework is stored in memory).

Per Claims 17 and 34 (Amended):

Claims 17 and 34 recite limitations as recited in claim 1, therefore, claims 17 and

34 are rejected under the same rationale as claim 1.

Per Claims 18 and 35 (Amended):

Claims 18 and 35 recite limitations as recited in claim 2, therefore, claims 18 and

35 are rejected under the same rationale as claim 2.

Per Claim 33 (Amended):

Claim 33 recites limitations as recited in claims 1 and 2, therefore, claim 33 is

rejected under the same rationale as claims 1 and 2.

Per Claim 36 (New):

Claim 36 recites limitations as recited in claims 1 and 2, therefore, claim 36 is

rejected under the same rationale as claims 1 and 2.

Claim Rejections - 35 USC § 103

16.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17.   Claims 3-4, 9-16, 19-20, and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,256,773) in view of Goiffon (U.S. 6,226,792).

Per Claim 4 (Amended):

Rejection of claim 1 is incorporated, and further claim 4 recites limitations already discussed in connection with the claim 3, therefore, see rejection of claim 3 in the last Office Action (Mailed on 09/03/2004, par. 30).

Per Claim 16 (Amended):

Rejection of claim 11 is incorporated, and further as discussed in connection to claims 1 and 7, it is obvious over the disclosures of Bowman and Goiffon wherein one of the distributed systems is used as a master system, the memory of which contains project definition and process definition data in the common software configuration markup language, the data being used by a control program to initiate the software configuration framework (see Bowman, Figs. 1, and 10; Goiffon, Figs. 1, 2A, and 2B).

Per Claim 20 (Amended):

Claim 20 recites limitations as recited in claim 4, therefore, claim 20 is rejected under the same rationale as claim 4.

Response to Arguments

18.   Applicant's arguments filed on 4/15/05 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a)   The Office Action cites column 8, lines 7-30, of Bowman in support of rejecting the "common software configuration markup language," of the claimed invention. In particular, the Office Action cites the following text from Bowman: ...

In particular, the Office Action suggests that the mention of HTML in Bowman is sufficient to reject the "common software configuration markup language," of the claimed invention. However, Applicants point out that Bowman merely states that "[a] preferred embodiment of (Bowman) utilizes HyperText Markup Language (HTML) to implement documents on the Internet" No where does Bowman disclose "a common software configuration markup language" that is "useable to define a project, perform a memory access to at least one of product elements and packages, map one or more of the processes and tools to one or more library systems, and define relations between the product elements, and further wherein a framework associated with the common software configuration markup language is system-independent" as in the claimed invention.

Furthermore, Bowman even discredits the use of a markup language such as HTML, by immediately going on to state, at column 8, lines 31-43, the problems with HTML: ...

Thus, Applicants assert that Bowman does not meet the basic legal requirement of

the above- cited Federal Circuit decision in *Verdegaal Bros. v. Union Oil Co. of*

California. Thus, it is respectfully requested that the §102(e) rejection of claims 1, 2, 5-8,

17, 18, 21-24 and 33-35 be withdrawn.

Regarding the §103(a) rejection of claims 3, 4, 9-16, 19, 20 and 25-32, Applicants

assert that said claims are patentable over the Bowman/Goiffon combination since

Goiffon fails to remedy the above-mentioned deficiencies of Bowman.

Further, in addition to the reasons for patentability presented above, Applicants

assert that dependent claims 2-16, 18-32 and 35 also respectively recite patentable subject

matter in their own right.

Still further, for at least the reasons given above, Applicants assert that new

independent claim 36 is also allowable.

Examiner's response:

a)   Examiner strongly disagrees with applicant's assertion that Bowman-Amuah fails

to disclose the claimed limitations recited in claims 1-2, 5-8, 17-18, 21-24 and 33-36.

Bowman-Amuah clearly shows each and every limitation in claims 1-2, 5-8, 17-18, 21-24

and 33-36.

Bowman-Amuah teaches the common software configuration markup language is

useable to define a project, perform a memory access to at lest one of product elements

and packages, map one or more of the processes and tools to one or more library systems,

and define relations between the product elements (col. 25 lines 39-60, "... HTML scripts,

and Java applets."), and further wherein a framework associated with the common

software configuration markup language is system-independent (See col. 42, line 51 to
col. 43, line 37, Fig. 10 "Development Tools Framework"; -cols. 8, line 7-30,
"development of frameworks", "utilizes HyperText Markup Language (HTML)", "one
platform to another"). HTML is interpreted as the "common software configuration
markup language".

Furthermore, Bowman-Amuah teaches HTML. It is irrelevant whether Bowman-
Amuah discredits the use of HTML or not.

In addition, see the rejection above in paragraphs 15 and 17 for rejection to claims
1-36.

Conclusion

19.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the
advisory action. In no event, however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

20.   Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.
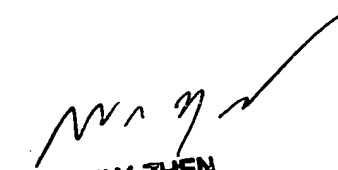
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
August 5, 2005

WEI Y. ZHEN
PRIMARY EXAMINER